

REGULAR CALLED MEETING BOARD OF DIRECTORS

Boardroom

February 15, 2022

5:30 p.m.

AGENDA

1. Call to Order Mayor Scott Byrd
2. Invocation
3. Approval of Board Minutes from February 1, 2022 – Mayor Byrd
4. Proclamation Go Red For Women 2022 – Mayor Byrd
5. Authorization to Sign Opioid Settlement – Gary Brinkley
6. Public Hearing to Adopt 2018 Arkansas Plumbing, 2021 Arkansas Mechanical and 2018 Fuel Gas Code – Gary Brinkley/DeAnna Graves
7. Consideration of Ordinance to Adopt 2018 Arkansas Plumbing Code – Gary Brinkley/Deanna Graves
8. Consideration of Ordinance to Adopt 2021 Arkansas Mechanical Code – Gary Brinkley/Deanna Graves
9. Consideration of Ordinance to Adopt 2018 Arkansas Fuel Gas Code – Gary Brinkley/Deanna Graves
10. Consider the Bid for the Aquatic Park Slides- Gary Brinkley/Junior Rodemeyer
11. Disposition of Used Exercise Equipment -Parks & Rec – Gary Brinkley
12. City Managers Annual Report Year End 2021 – Gary Brinkley
13. City Manager's Report – Gary Brinkley
14. Routine Business – Mayor Byrd
15. Adjournment – Mayor Byrd

Regular Meeting: Citizens speaking to the Board of Directors shall have a speaking time limit of **10 minutes**. The Board of Directors may ask follow up questions which may extend the time limit.

Open Session Forum: Speaking time limit is **5 minutes** a speaker may not yield his or her time to another speaker

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Board Room

February 1, 2022

5:30 P.M.

MEMBERS:

Taylor Chaney, *Ward 1 Director*
Chris Porter, *Ward 2 Director*
Keith Crews, *Ward 3 Director*
Reo Cummings, *Ward 4 Director*
Jason Jones, *Ward 5 Director*
Roland Gosey, *Assistant Mayor*
Scott Byrd, *Mayor (Absent)*

OTHERS:

Gary Brinkley, *City Manager (absent)*
Samantha Roybal, *City Clerk*

CALL TO ORDER

The Assistant Mayor called the meeting to order at 5:31 p.m.

INVOCATION

Director Jones

APPROVAL OF BOARD MINUTES FROM JANUARY 18, 2022

A motion was made by Director Chaney, seconded by Director Porter to approve the minutes from the January 18, 2022 Board Meeting.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	"Aye"	Roland Gosey	"Aye"
Chris Porter	"Aye"	Jason Jones	"Aye"
Reo Cummings	"Aye"	Mayor Byrd	"Absent"
Keith Crews	"Aye"		

PROCLAMATION NAMING FEBRUARY AFRICAN AMERICAN HISOTRY MONTH

The Assistant Mayor called for the Clerk to read the Proclamation.

The Clerk read the Proclamation.

CONSIDER BID FOR CADD0/27TH DRAINAGE PROJECT

The City Manager requested the Board accept the Bid from Square One in the amount of \$557,000.00.

A motion was made by Director Jones, seconded by Director Crews to accept the Bid from Square One in the amount of \$557,000.00 and for the city manager to sign the necessary documents.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	"Aye"	Roland Gosey	"Aye"
Chris Porter	"Aye"	Jason Jones	"Aye"
Reo Cummings	"Aye"	Mayor Byrd	"Absent"
Keith Crews	"Aye"		

CITY MANAGER'S REPORT

February 1, 2022

- Thank you for the kind words and encouragement with the passing of my Mother. Your compassion was felt and appreciated.
- Light on the I-30 water tower are being repaired and we are looking at upgrading to LED for long term cost savings.
- Exxon & Donut Place have closed on N. 10th in anticipation of demolition and rebuilding.
- Three of the 4 contracts with AWU-Gum Springs distribution system have been substantially completed.
- Welders are in town working on the AWU Gum Springs water tower in anticipation of painting it within the next couple of weeks.
- We anticipate closing on the Industrial Park land this month for the AWU-Gum Springs maintenance facility.
- The new Heavy sander & blade for large dump truck has been received. A photo has been placed on your desk.
- Covid has had a negative impact on staffing in several departments but we have battled through it.
- The temporary building to be used as the airport office has been delivered and is being wired in for service. We hope to have plans completed and for your perusal by month end.
- On the August 17, 2021 Minutes there was a typographical error that has been uncovered. The first Reading of Ordinance To Exxon 346 N. 10th was mislabeled as 5th St, the agenda item before. The reading of the

ordinance was correct. Attorney McCorkle instructed us to correct the typographical error and notify you in the City Managers Report.

- As of today, including the OBU pledge we have \$72,665.27 for the MLK Park. We have a meeting on Thursday with the grant writer who has been retained and she is very positive about a funding opportunity. More to come.

Dates to Remember:

- Before our next meeting we'll be holding a retirement celebration for Ms. Karen Campbell, APD Dispatch and Mr. Donny Manning (again!) from Sanitation.
- February 22, 2022. TWODAY event in downtown Arkadelphia. Please take a flyer with you.
- The annual Chamber Banquet is on March 17th. Please see Samantha to confirm your attendance.

ROUTINE BUSINESS

Taylor Chaney, Ward 1 – He asked how much money the City of Arkadelphia has received through matching grants. City Manager to research and reply.

Chris Porter, Ward 2 – He expressed that he was thankful for the position the City is in and thankful we aren't a city who is in a financial position that we have to pass on favorable opportunities.

Keith Crews, Ward 3 – He is thankful for the bid information and enjoys seeing these types of bid packets and the closeness of the bid spread.

Reo Cummings, Ward 4 – Nothing.

Jason Jones, Ward 5 – He would like for the highway lights on I-30 to be fixed.

Roland Gosey, Assistant Mayor – He mentioned that a lot of light around the City are out and many areas are dark and dim. The City Manager stated that Citizens who need to report a street light out can report a street light out on the City's Website or by calling town hall and telling DeAnna. He also asked if anything can be done about the amount Panhandlers.

Scott Byrd, Mayor – Absent.

ADJOURNMENT

There being no further business to discuss, Director Porter made the motion, seconded by Director Crews to adjourn. **The motion passed unanimously, and the meeting adjourned at 5:54 p.m.**

Scott Byrd, Mayor

Samantha Roybal, City Clerk

ADDITIONAL ATTENDEES

Jason Jackson

Jason Hunt

John Nelson

Lewis A Shepherd Jr.

Office of the Mayor
Arkadelphia, Arkansas
Proclamation

- WHEREAS: Cardiovascular disease, diseases of the heart is the nation's leading cause of death among women in America; and
- WHEREAS: 44 Million women in America are affected by cardiovascular heart diseases with 90% of women having one or more risk factors for heart disease or stroke; and
- WHEREAS: February is designated as American Heart Month for Women; and
- WHEREAS: "Go Red For Women Day" is the American Heart Association's national movement and call to increase awareness about heart disease – the leading cause of death for women – and to inspire women to take charge of their heart health; and
- WHEREAS: Taking action the right choices relating to proper nutrition, physical activity, and other health lifestyle choices are essential to living a heart healthy life; and
- WHEREAS: By choosing to improve heart and stroke health, American Heart Association Go Red For Women asks that across America, Women Go Red and help save lives from heart disease and stroke.

NOW, THEREFORE, I, Scott Byrd, Mayor of the City of Arkadelphia, State of Arkansas, recognize the importance of the ongoing fight against heart disease and stroke, and do hereby proclaim:

February 2022
"Go Red For Women Month"

In the City of Arkadelphia

*In witness whereof I have hereunto set
my hand and caused this seal to be affixed.*

Mayor


Attest: _____

Date: _____





Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: February 11, 2022
Re: Settlement on Class Action Opioid Case

At the request of the Arkansas Municipal League, who has been our advocate on the class action suit against opioid manufactures and distributors, please another settlement document for your review and approval.

This is the third such settlement with more to come. You approved 2 similar settlements on November 3rd last year.

Staff requests you approve the Mayor to sign and for staff return to return documents to the Arkansas Municipal League as requested.

Thank you.

Exhibit C

Subdivision Settlement Participation Form

Governmental Entity:	Arkadelphia	State:	Arkansas
Authorized Official:	Mayor Scott Byrd		
Address 1:	700 Clay Street		
Address 2:			
City, State, Zip:	Arkadelphia, AR 71923		
Phone:	870.246.9864		
Email:	rde@scottbyrddds.com		

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated February 16, 2022 ("*Endo Settlement*"), and acting through the undersigned authorized official, hereby elects to become a Participating Subdivision under the Endo Settlement, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Endo Settlement, understands that all terms in this Subdivision Settlement Participation Form have the meanings defined therein, and agrees that by signing this Subdivision Settlement Participation Form, the Governmental Entity elects to participate in the Endo Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall immediately cease any and all litigation activities as to the Releasees and Released Claims and, within 7 days of the Execution Date of this Subdivision Settlement Participation Form, voluntarily dismiss with prejudice any Released Claims that it has filed against any Releasee(s).
3. The Governmental Entity expressly agrees to the terms of the Endo Settlement pertaining to Subdivisions and Releasors as defined therein.
4. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Endo Settlement. By becoming a Participating Subdivision and expressly agreeing to the terms of the Endo Settlement and the releases provided for therein, the Governmental Entity is entitled to the benefits provided therein for Participating Subdivisions, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Governmental Entity agrees not to oppose efforts to enact a legislative Bar as defined in Section A(c)(1) of the Endo Settlement.
6. The Governmental Entity submits to the jurisdiction of the Court (as defined in the Endo Settlement) for purposes limited to the Court's role as provided in, and for resolving disputes to the extent provided in, the Endo Settlement.

7. The Governmental Entity, as a Participating Subdivision, expressly agrees that it is a Releasor for all purposes in the Endo Settlement, including, but not limited to, all provisions of Section D and E, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind, and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Releasee in any forum whatsoever. The releases provided for in the Endo Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Releasees the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release Claims. The Endo Settlement shall be a complete bar to any Released Claim.
8. The Governmental Entity expressly agrees, among other things, that any monetary relief recoverable by or on behalf of such Governmental Entity against all Non-Released Entities and/or other joint tortfeasors arising out of or relating to the Covered Conduct shall be reduced by the greater of (1) Releasees' pro rata share of responsibility, if any, or (2) the amount of consideration paid for release set forth in Section D, in accordance with the Uniform Contribution Among Tortfeasors Act, Ark. Code Ann. § 16-61-201 et seq. and Ark. Code Ann. § 16-61-204(c).
9. In connection with the releases provided for in the Endo Settlement, the Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but the Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date of the Release, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entity's decision to participate in the Endo Settlement.

10. The Governmental Entity agrees that it will not publicly or privately encourage any other Governmental Entity to bring or maintain any Released Claim.
11. Nothing herein is intended to modify in any way the terms of the Endo Settlement, to which the Governmental Entity hereby expressly agrees. To the extent this Subdivision Settlement Participation Form is interpreted differently from the Endo Settlement in any respect, the Endo Settlement controls.

I have all necessary power and authorization to execute this Subdivision Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: Scott Byrd


Title: Mayor

Date: February 16, 202
(the "Execution Date of this Subdivision Settlement Participation Form")



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: February 11, 2022
Re: **Public Hearing** - Adoption of Building Code Updates to
2018 Arkansas Plumbing Code
2021 Arkansas Mechanical Code
2018 Arkansas Fuel Code



The State of Arkansas has adopted the 2018 Plumbing, 2021 Mechanical and 2018 Fuel codes as their minimums.

We are likewise, bound to accept these code updates as our minimum codes.

As part of that procedure, we are required to host a public hearing on all 3 of these updated codes.

As set forth in Arkansas Code Section 14-55-207, the city may adopt technical codes by reference. As required;

- Public Notice of this public hearing was printed in the Southern Standard on February 3, 2022 as to the place, date and time.
- 3 copies of the codes have been placed in the City Clerk's office for viewing as required.
- Public hearing is being held prior to the adoption of the technical code by reference.

Staff recommends you hold the public hearing for the adoption of the updated codes.


No action is taken during the public hearing.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: February 11, 2022
Re: Adoption of 2018 Arkansas Plumbing Code



The State of Arkansas has adopted the 2018 Plumbing Code as their minimum standard.

We are likewise bound to accept these code updates as our minimum codes.


As you have followed Arkansas Code Section 14-55-207, you may adopt the code by reference as opposed to reading the code in its entirety.

Staff recommends you adopt the 2018 Arkansas Plumbing code as presented.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: February 11, 2022
Re: Adoption of 2021 Arkansas Mechanical Code

The State of Arkansas has adopted the 2021 Mechanical Code as their minimum standard.

We are likewise bound to accept these code updates as our minimum codes.

As you have followed Arkansas Code Section 14-55-207, you may adopt the code by reference as opposed to reading the code in its entirety.


Staff recommends you adopt the 2021 Arkansas Mechanical Code as presented.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: February 11, 2022
Re: Adoption of 2018 Arkansas Fuel Code



The State of Arkansas has adopted the 2018 Fuel Code as their minimum standard.

We are likewise bound to accept these code updates as our minimum codes.


As you have followed Arkansas Code Section 14-55-207, you may adopt the code by reference as opposed to reading the code in its entirety.

Staff recommends you adopt the 2018 Arkansas Fuel Code as presented.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: February 11, 2022
Re: Rehabilitation of Aquatic Park Slides

The Parks & Recreation Department has received competitive bids for the rehabilitation of the two slides at the water park.

They are currently evaluating the bids and will provide staff with the analysis and recommendations by Tuesday, February 15th.

Staff will provide these documents, bid tabulation and a recommendation to you for review at the Board meeting.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: February 11, 2022
Re: Approval to Sell Exercise Equipment

The Parks & Recreation Department was approved the purchase of new exercise equipment in the 2022 Budget.

It is now necessary to dispose of the current equipment to make room for the new machines.

Staff requests your approval to place the Power-Pak Universal Gym Model 993069 and the assorted dumb bells (238#) for sale through Govdeals.com.


Your acknowledgement of this disposition is appreciated.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: February 11, 2022
Re: 2021 Year End Report by City Manager



As required by State Law and Municipal Ordinance, the City Manager will make his 2021 Year End presentation to you at the February 15th Board Meeting.